

Written statement of a key decision
Cabinet member children and families

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| Title | Children's social care out of hours emergency duty service |
| Decision maker | Cabinet member children and families Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251 |
| Date of decision | 13 September 2019 |
| Report exemption class | Open |
| Reason for being a key decision | This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant. |
| A notice was served in accordance with Part 3 (Key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. | |
| General exception or special urgency (as defined in the constitution) | No |
| Purpose | To approve the recommendations for provision of an out of hours emergency duty service for children's social care from October 2019. As a result of Worcestershire County Council transferring their children services to Worcestershire Children First on 1 October 2019, it is proposed that the current contract for the Herefordshire Emergency Duty Team (EDT) service with Worcestershire County Council is terminated and a new contract is awarded to Worcestershire Children First. This proposal will ensure continuity of this business critical service. |
| Decision | That: (a) the existing contract with Worcestershire County Council be terminated early by mutual agreement on 30 September 2019, (b) a contract be awarded to Worcestershire Children First to deliver Herefordshire's children's social care out of hours emergency duty service for a maximum period of |

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| | <p>42 months from 1 October 2019 at a total cost of not more than £440,000;</p> <p>(c) Authority be delegated to Director of Children and Families (in consultation with Legal Services) to settle the final form of contract with Worcestershire Children First</p> |
| Reason for the decision | <p>As set out in the report. Documents relating to this decision are available at</p> <p>http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?Ild=50031190</p> |
| Options considered | <p>1 Do nothing. Worcestershire County Council will cease to provide the service in-house from 30 September 2019, making the existing contract redundant. Doing nothing is not recommended as the Council has a statutory duty to safeguard and promote the welfare of children within their area who are in need. This duty continues during out of office hours and contracting with Worcestershire Children First will ensure compliance with this duty.</p> <p>2 Herefordshire could seek to deliver the function from within its own social care resources. This is not recommended as it would create an additional workforce pressure and would require children's social care to recruit additional social workers and/or change terms and conditions of current children's social workers to enable them to work the unsociable hours required to deliver an out of hours service. As of July 2019, of the 66 full time equivalent (FTE) front line social worker posts within children's social care, 35% (23 out of 66) were vacant, with 13 of the 23 vacant posts being filled by agency staff.</p> <p>3 Competitive tender of the service to appoint an external provider. In June 2019, a survey of the Children's Services Commissioning and Procurement Group for council commissioners and procurement professionals was undertaken via the government's 'Knowledge Hub' to understand how other councils deliver their emergency duty services. Responses received suggest children's emergency services in other areas have only been externalised as part of wider externalisation of children's social care services. During the first 12 months of the contract, a market test will be undertaken to identify the provider market. The outcome of this exercise will identify whether there is an option to join with a different Council or undertake a tender exercise. The decision of Worcestershire County Council to transfer their children's services to the new entity has resulted in insufficient time to undertake the market test, as intended.</p> <p>4 Worcestershire County Council novate or sublet the existing contract to Worcestershire Children First. This is not recommended as the existing contract expires on 31st March 2020 and so any novation or subcontracting could not extend to the delivery of services beyond that date.</p> |

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| | <p>This would still not give sufficient time to carry out a market test of the provider market to examine procurement options. In any event the existing contract was originally approved by the Director of Children's Wellbeing on 1st April 2015 as a delegation of the relevant function under S101(b) of the Local Government Act 1972. A delegation of function to another local authority can only be made by Council Meeting (Constitution Part 3 Section 1 Table of Functions para 12). Further reliance on the existing contract is therefore not recommended.</p> <p>5 Herefordshire Council could delegate the function (under S101(b) of the Local Government Act 1972) to Worcestershire County Council, in order for Worcestershire County Council to commission Worcestershire Children First to deliver the service under a third party arrangement. This is not recommended as it would result in Herefordshire Council having no direct oversight and influence of the provider without first having to go through Worcestershire County Council.</p> |
| Declarations of interest (see ▪ below) | |
| Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply) | 19 September 2019 |

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| Councillor: Cabinet member children and families (Councillor Felicity Norman) | Date 13 September 2019 |
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- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted.